

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: January 09, 2015

+ **CRL.M.C. 66/2015 & Crl. M.A.No.299/2015**

GAUTAM @ RAVINDER KHARI & ORS. Petitioners
Through: Mr. R. B. Upadhyay, Advocate

versus

STATE OF DELHI GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Naveen Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Sandeep

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No. 710/2014, under Section 308/34 of the IPC, registered at police station Ashok Vihar, Delhi is sought on the basis of affidavit of 7th January, 2015 respondent No.2.

Notice.

Mr. Naveen Sharma, learned Additional Public Prosecutor for respondent No.1-State submits that investigation of this case is likely to be completed within this month.

Apex Court in *N. Soundaram v. P.K. Pounraj*, (2014) 10 SCC 616 has observed as under:-

“14. An overall perusal of the materials placed before us

makes out a prima facie case against the accused which requires to be decided by conducting a proper trial. At this stage the High Court cannot analyse and meticulously consider the evidence and anticipate whether it will end up in conviction or acquittal. This is not the stage to decide whether there is any truth in the allegations made but to form an opinion whether on the basis of the allegation a cognizable offence or offences alleged has been prima facie made out. The guilt or otherwise of the accused can be proved only after conducting a full-fledged trial. In the circumstances, in our opinion, it is not proper for the High Court to interfere with the proceedings and quash the final report submitted by the police.”

Applying the afore-noted dictum to the instant case, this Court is not inclined to exercise its inherent jurisdiction under Section 482 of the Cr.P.C. at this stage. Let the Investigating Officer record supplementary statement of respondent No.2, who is said to be complainant of FIR in question and thereafter, to file a final report within a period four weeks from today.

With aforesaid directions, this petition and application are disposed of with liberty to petitioners to file similar petition, if need be.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2015

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